

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

MICHAEL THOMAS DAVITT,

Case No. 3:22-cv-00381-MMD-CSD

Petitioner,

ORDER

v.

ELKO COUNTY SHERIFF,

Respondent.

Michael Thomas Davitt has submitted a *pro se* 28 U.S.C. § 2254 habeas petition and an application to proceed *in forma pauperis*. Based on the current information he provided about Petitioner's financial status, including any additional information he may have provided, the Court finds that he is able to pay the full fee pursuant to 28 U.S.C. § 1915.

It is therefore ordered that Davitt's motion for leave to proceed *in forma pauperis* without having to prepay the full filing fee (ECF No. 1) is denied. Davitt has 30 days from the date this order is entered in which to have the \$5.00 filing fee sent to the Clerk of Court. Failure to pay the filing fee within 30 days may result in the dismissal of this action without further advance notice.

The Clerk of Court is directed to retain the petition but not file it at this time.

DATED THIS 21st Day of September 2022.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE